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Sensitive But Unclassified
SIPDIS

TREASURY FOR DPETERS, RHALL, RABDULRAZAK

E.O. 12958: N/A

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SUBJECT: NIGERIA: COURT NULLIFIED SENATORIAL ELECTION IN ANAMBRA STATE

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¶11. (U) Summary: A Federal Appeals Court has confirmed that no election was held in the Anambra South Senatorial District on April 21, 2007. The Court ordered the election rerun within 90 days. The decision is significant for its straightforward finding that no election was held. End Summary.

¶12. (U) On December 19, a Federal Appeals Court nullified the election of Senator Ikechukwu Obiora representing the Anambra South Senatorial District. The court held that no election had taken place in that senatorial district on April 21, 2007. The court overturned the electoral tribunal decision upholding Obiora's election, and ordered fresh elections to be held within three months.

¶13. (U) All Peoples Grand Alliance (APGA) party senatorial candidate Azuka Okwuosa who brought the appeal, argued to the court that the election tribunal erred when it dismissed his petition on the basis of evidence provided by Independent National Election Commission (INEC) that the election had taken place. Okwuosa claimed that the lower court decision flew in the face of the evidence, including the text of a press conference held April 24 in which the INEC Commissioner for Anambra State announced that because election materials had arrived late and other irregularities had occurred, INEC had nullified the April 21 senatorial election and directed that a fresh election be held on April 28, 2007. Okwuosa said that INEC's subsequent declaration of Obiora's victory on April 26, and its failure to conduct another election on April 28, was contrary to law.

¶14. (SBU) Comment: This appeal decision is significant for the court's straightforward holding that no election had occurred, confirming what Mission Election Monitors observed throughout Anambra and the Southeast. End Comment

Hudson